

TIPP CITY COUNCIL STUDY SESSION

TIPP CITY, MIAMI COUNTY, OHIO

MARCH 2, 2009

Study Session

City Manager Jon Crusey opened the Study Session at 6:33 p.m. on this date.

Roll Call

Council Members in attendance included: William D. Beagle, George H. Lovett, President Patrick A. Hale, John E. Kessler, Dolores Gillis, and Vickie Blakey. Others in attendance included: Law Director Joseph P. Moore, Finance Director Richard Drennen, Utilities Director Mo Eichman, Assistant Utilities Director Christy Butera, City Engineer Scott Vagedes, Assistant City Manager Bradley Vath, Utility Billing Supervisor Stacie Brown, Detective Gary Gulden, *Dayton Daily News* reporter Nancy Bowman, and Clerk of Council Cathy Ross.

Discussion – Utility Fee Structure

Mrs. Butera reviewed with Council the attached PowerPoint presentation regarding changes in the Utility Fee Structure. Mr. Eichman stated that the City could eliminate after hours reconnection except in an emergency situation. Council questioned the reasoning for having someone home before a reconnection of electricity was done and Mrs. Butera explained that someone must be home in case appliances would come on when electricity is restored. It was also noted that the City does not usually disconnect power when the temperature is 32 degrees or below. Mrs. Butera added that the recommended changes are consistent with other municipalities. Council agreed with the recommended changes but decided not to eliminate after hours disconnects. .

Water/Wastewater Superintendent Position

Mr. Eichman reminded Council that Scott Sheppard, Superintendent of Water/Wastewater is leaving Tipp City after 16 years of employment for a position with Marysville. Mr. Eichman stated that Mr. Sheppard is one of Tipp City's best employees and he hates to lose him.

Mrs. Butera reviewed the attached PowerPoint presentation with Council emphasizing the need for replacement of this position and requesting permission to begin advertising for this position immediately. Council agreed that this position should be filled and supported advertising immediately.

Home Rule and Public Records

Law Director Joseph Moore reviewed with Council the attached PowerPoint presentation and explained the Home Rule provisions of the Ohio Constitution.

Mr. Moore then reminded Council and Staff that emails are public records, including deleted emails, if they can be retrieved. Emails sent and received on home computers and blackberry telephones, if they deal with City business, are also public records.

Mr. Moore also provided two forms which may be used by citizens requesting that information be redacted from the City's records.

Mr. Moore stated that the Public Records Committee would be creating a policy dealing specifically with these issues.

Adjournment

The study session concluded at 7:30 p.m.

Patrick A. Hale, President of Council

Attest: _____
Cathy Ross, Clerk of Council

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

MARCH 2, 2009

Roll Call

President Patrick A. Hale called to order the regular meeting of the Tipp City Council at 7:30 p.m. Roll call showed the following Councilmembers present: William D. Beagle, George H. Lovett, President Patrick A. Hale, Dolores Gillis, Vickie Blakey, and John E. Kessler.

Others in attendance: City Manager Jon Crusey, Law Director Joseph P. Moore, Finance Director Richard Drennen, City Engineer Scott Vagedes, Assistant City Manager Bradley C. Vath, Director of Utilities Mo Eichman, , Detective Gary Gulden, Fire Chief Steve Kessler, *Dayton Daily News* reporter Nancy Bowman, and Clerk of Council Cathy Ross.

Guests signing the register included: Steven Chaney, Ruth Hawley, Gordon Honeyman, Jesse Chamberlain, Jim Ranft, Nancy McAlpin, Jackie Wahl, Megan Hunter, Phyllis Hale, Kelsey Phode, Katie Shroyer, Kenneth Oren, Joseph , Sarah Quinn, Tryston Putnam, Alli Etchison, Joyell Collins, Paul Lee, Heather Bailey.

Invocation and Pledge of Allegiance

Pastor Ken Oren from the Good Shepherd Church of the Brethren delivered the invocation and President Hale led the Pledge of Allegiance.

Excuse Councilmember Absence

Mr. Lovett made a motion to excuse Mayor Evans from the meeting. Motion was seconded by Mr. Beagle and unanimously approved.

Approval of Agenda Amendment

President Hale made a motion to amend the agenda by adding item B from the Presentations, Proclamations & Awards section of the agenda, seconded by Mr. Kessler and unanimously approved.

Approval of Agenda

The amended agenda was approved with a motion from Mr. Beagle, seconded by President Hale.

Adoption of Minutes

Mr. Lovett moved, seconded by Mrs. Gillis, to approve the minutes of the February 17, 2009 Pre-Meeting Study Session. The motion carried 5-0. Mrs. Blakey abstained.

Mrs. Gillis moved, seconded by President Hale, to approve the minutes of the February 17, 2009 Meeting. The motion carried 5-0. Mrs. Blakey abstained.

Presentations, Proclamations, and Awards

President Hale named March 2, 2009 as a day to recognize Gordon Honeyman for his many years of service to the Tipp City Area Community Foundations.

President Hale named March, 2009 as Tipp City Area Community Foundations Month.

Ordinance (Second Reading)

The following ordinances were presented to City Council for adoption.

Ordinance 05-09
Annexation Petition

Ordinance No. 05-09: An ordinance authorizing and directing the Law Director to file the Annexation Petition for City and County owned property (ROW) with the Miami County Commissioners. (Sponsored by Mr. Beagle)

Clerk of Council Summary: A total of +/-1.746 acres of dedicated right-of-way will be annexed into the corporate limits of the City of Tipp City.

City Manager Report: This ordinance authorizes the Law Director to file an annexation petition with the Miami County Commissioners for the annexation of 1.746 acres of right-of-way along CR 25-A between SR 571 and the Meijer Distribution Center. The purpose of this annexation is to reduce jurisdictional confusion regarding the provision of public services (i.e. snow plowing, police protections, etc.)

There being no further discussion, Mr. Beagle sponsored this ordinance and moved for its adoption, seconded by Mr. Lovett. The motion carried with a 6-0 vote. Ordinance 05-09 was declared passed and President Hale affixed his signature in witness thereto.

Ordinance 06-09
Overgrown Grass

Ordinance No. 06-09: An ordinance amending Code §94.62 Nuisance Mowing of Grass Overgrowth and Noxious Weeds within the City. (Sponsored by President Hale)

Clerk of Council Summary: This ordinance changes the requirements for the City to mow overgrown grass and weeds within the City limits.

City Manager Report: In response to Council's adoption of Resolution 6-09 eliminating certain costs from the City's budget, this amended ordinance would make the City's enforcement of its grass and weed ordinances discretionary rather than mandatory. Council, by adoption of Resolution 6-09, has declared that the City will not enforce the Cutting Weed and Grass provision that mandates the City Manager to cause grass overgrowth and noxious weeds to be cut and invoiced to the property owner of record when said owner fails to comply with the published notice. However, since the amended ordinance would be discretionary, City Council would have the ability to commence enforcement of this provision at any time.

There being no further discussion, President Hale sponsored this ordinance and moved for its adoption, seconded by Mr. Beagle. The motion carried with a 6-0 vote. Ordinance 06-09 was declared passed and President Hale affixed his signature in witness thereto.

Ordinance 07-09
Wind Energy

Ordinance No.07-09: An ordinance modifying Sections 154.040, 154.057, and 154.120 and adopting Chapter 157 of the Tipp City, Ohio Code of Ordinances to provide the zoning requirements for the utilization of Wind Energy Conservation Systems. (Sponsored by Mr. Lovett)

Clerk of Council Summary: This ordinance adopts and implements a Wind Ordinance for Tipp City as recommended by Planning Board at its November 12, 2008 meeting.

City Manager Report: This ordinance would adopt zoning regulations regarding Wind Energy Conversion Systems (WECS), which closely mirrors the

telecommunications ordinance. The purpose of this ordinance is to ensure that the construction or modification of wind energy conversion systems is consistent with the City's land use policies and addresses issues such as height of towers, visibility, safety & security, ice throw, fire hazards, setbacks, noise, and shadow flicker. City Council previously reviewed this ordinance at a November 17, 2008 Study Session. The Planning Board reviewed this ordinance during several workshops, conducted a public hearing on the proposed ordinance at its November 12 meeting and recommended approval of this ordinance.

There being no further discussion, Mr. Lovett sponsored this ordinance and moved for its adoption, seconded by Mrs. Gillis. The motion carried with a 6-0 vote. Ordinance 07-09 was declared passed and President Hale affixed his signature in witness thereto.

Ordinance 08-09
Solar Energy

Ordinance No. 08-09: An ordinance adopting Section §154.061(Q) of the Tipp City, Ohio Code of Ordinances to provide the zoning requirements for the utilization of Solar Energy Systems. (Sponsored by Mr. Kessler)

Clerk of Council Summary: This ordinance would implement a Solar Ordinance for the City of Tipp City requiring an approved Zoning Compliance Permit prior to construction as recommended by the Planning Board at its November 12, 2008 meeting.

City Manager Report: This ordinance would adopt zoning regulations regarding Solar Energy Systems. The proposed ordinance defines solar energy terminology, permits both ground and roof-mounted solar energy systems as permitted accessory structures in residential districts, and requires site plan review for all non-residential applications. City Council previously reviewed this ordinance at a November 17, 2008 Study Session. The Planning Board reviewed this ordinance during several workshops, conducted a public hearing on the proposed ordinance at its November 12 meeting, and recommended approval of this ordinance.

There being no further discussion, Mr. Kessler sponsored this ordinance and moved for its adoption, seconded by Mr. Lovett. The motion carried with a 6-0 vote. Ordinance 08-09 was declared passed and President Hale affixed his signature in witness thereto.

Ordinance 09-09
Chapter 37

Ordinance No. 09-09: An ordinance amending Chapter 37 Appendix "A" and "B" of the codified ordinances of the City of Tipp City concerning benefit schedules for certain City employees not covered by a collective bargaining agreement. (Sponsored by Mr. Lovett)

Clerk of Council Summary: This ordinance will provide for a 2.0% cost of living adjustment for Chapter 37 employees, to be paid in a lump sum in February, 2010 and February, 2011.

City Manager Report: This ordinance would enact a 2%, lump sum cost of living increase for eligible employees covered by Chapter 37 of the Tipp City Code of Ordinances. The lump sum payments would be made in February 2010 for wages earned between February 8, 2009 and February 6, 2010 and in February 2011 for wages earned between February 7, 2010 and February 5,

2011. An employee who leaves the employ of the City during this time will receive a payment of 2% wages earned up to the date of termination.

There being no further discussion, Mr. Lovett sponsored this ordinance and moved for its adoption, seconded by Mr. Beagle. Mr. Kessler made a motion to table this item for further review regarding the number of hours the lump sum payment would be based on. Motion was seconded by Mr. Lovett. The motion carried with a 6-0 vote.

**Resolutions
(One Reading Required)**

The following resolutions were presented to City Council for adoption.

**Resolution 12-09
Kyle Park Bike Path**

Resolution No. 12-09: A resolution authorizing the City Manager to enter into a contract with Coate Construction LLC of West Milton, Ohio for the Kyle Park Bike Path project at a cost of \$108,460.85.

Clerk of Council Summary: Seventeen bids were received for the Kyle Park Bike Path Project with the lowest and best bid from Coate Construction LLC of West Milton, Ohio.

City Manager Report: Bids were opened on February 20 for the Kyle Park Bike Path project. Appropriations for this project are \$187,500 while the Engineer's estimate was \$165,958. Seventeen bids were received that ranged from a low of \$108,460 to a high of \$153,331. The lowest and most responsive bid was received from Coate Construction of West Milton at a cost of \$108,460. Eighty percent of the project costs (\$86,768) will come from an Ohio Department of Natural Resources (ODNR) Recreational Trails grant program and the remaining twenty percent (\$21,692) from the Parks Capital Improvement Fund. City Council discussed this grant program during a November 3, 2008 study session and authorized submittal of the grant application.

Mr. Lovett asked if the bid amount had been double checked as it was so much lower than the Engineer's estimate. Mr. Vagedes stated that he had talked with Coate Construction and they were satisfied with their bid.

There being no further discussion, Mr. Beagle sponsored this resolution and moved for its adoption, seconded by Mrs. Blakey. The motion carried with a 6-0 vote. Resolution 12-09 was declared passed and President Hale affixed his signature in witness thereto.

**Resolution 13-09
Water Tower**

Resolution No. 13-09: A resolution authorizing a contract with LJB Inc. for design services related to the construction of a new 1.0 MG water tower, demolition to an existing 0.35 MG tower and painting of the existing 1.0 MG tank at a cost of \$153,000.

Clerk of Council Summary: Qualification statements were received from 11 consultants with LJB being selected as the best firm based on expertise and cost of the services.

City Manager Report - This resolution authorizes the City Manager to enter into a contract with LJB, Inc. in the amount of \$153,000 for design services for the construction of a new 1.0 Million Gallon Water Tower, demolition of the existing 350,000 gallon Bowman Avenue water tower, and

painting of the existing 1.0 million gallon water tower. \$240,000 was appropriated in the Water Improvement & Reserve Fund for professional design services. Eleven firms submitted statements of qualification for this project and LJB was selected as the best firm based upon their expertise and cost of service.

There being no further discussion, Mr. Kessler sponsored this resolution and moved for its adoption, seconded by Mrs. Blakey. The motion carried with a 6-0 vote. Resolution 13-09 was declared passed and President Hale affixed his signature in witness thereto.

Resolution 14-09
Laptop Computers

Resolution No. 14-09: A resolution authorizing the City Manager to participate as a grantee in the Law Enforcement Block Grant Program through the Office of Criminal Justice Services and purchase laptop computer systems through the State of Ohio Purchasing Plan.

Clerk of Council Summary: This resolution authorizes the purchase of laptop computers to replace the existing mobile data terminals in police vehicles.

City Manager Report: This resolution authorizes the City of Tipp City to participate in the Law Enforcement Block Grant Program through the Office of Criminal Justice Services. This program is providing \$7,732 in funding for the purchase of in-car laptop computers. The total cost to purchase eight replacement laptop computers is \$24,995.76, less grant funding, which is below the \$25,000 threshold for which legislation and sealed bids are required. \$30,928 was appropriated in the Capital Improvement Reserve Fund for the replacement of these units.

There being no further discussion, President Hale sponsored this resolution and moved for its adoption, seconded by Mrs. Gillis. The motion carried with a 6-0 vote. Resolution 14-09 was declared passed and President Hale affixed his signature in witness thereto.

Citizen Comments

Mr. Vath requested to speak with Mr. Crusey in a sidebar discussion before the adjournment of Council meeting.

Phyllis Hale, 665 N. Hyatt, Apt. D. Ms. Hale thanked Mrs. Gillis for supporting the leaf pick-up program that was recently cut from the budget and questioned why this item was cut when Mr. Crusey stated that he didn't know how much money would be saved by eliminating the program. She expressed her concern that people would start removing their trees to avoid the cost of getting rid of their leaves. She suggested there might be other ways of saving money and questioned why there were always 7 police cars parked out front, suggested giving the Parks Department employees other jobs to do in the winter months, and suggested that employees take a pay cut.

Mr. Lovett thanked Ms. Hale for coming to the meeting and expressing her opinions. He stated that Council cut \$118,000 from the budget at a recent study session. Mr. Lovett added that he hopes no one will cut down their trees to avoid leaf pick-up, but stated that he was more concerned with items regarding the health and welfare of Tipp's citizens. He added that City Council has a great deal of pride in Tipp City's Tree City USA status;

however, leaf pick-up is not as essential as police, fire, or EMS services. He noted that City Council has been trying to balance the budget for years by not making key street infrastructure improvements and that citizens were requested to approve a moderate tax increase to help avoid these cuts, but turned down the increase on two separate occasions.

Ms. Hale asked if Council could reconsider.

Mr. Beagle stated that Council must be vigilant on the budget but added that City Council has no idea what the revenue will be in September and October. Council will be happy to revisit this issue at that time.

**Councilmember
Comments**

Mr. Lovett noted that he and City Manager Crusey recently travelled to Washington, D.C. for the American Public Power Association meeting and explained that this is an association of public power utilities from all over the country. Several key topics were discussed, but two main topics were climate change legislation and federal renewable electricity standards. Mr. Lovett reported that over 90% electricity generated used in Ohio comes from coal. Climate change legislation looks to tax coal as an effort to try to reduce the carbon output and possibly slow down global warming. Any type of coal tax will increase electricity costs for the citizens of Tipp City. The three legislators proposing these taxes all come from communities in which electricity is not as coal driven as it is in Ohio so they don't have nearly the stake in this game as our citizens would by taxing coal. Mr. Lovett added that President Obama's expects to raise \$650,000,000,000 in the year 2010 from a carbon tax and coal is a major carbon.

Mr. Lovett also reported that the other major item of discussion was the federal renewable electricity standards which would require increased usage of non-coal sources for power, such as solar and wind which are more expensive than coal. He explained that if public power communities are forced to have a higher percentage of their power from other sources, electric bills will increase.

Mr. Lovett noted that he and Mr. Crusey met with Congressman Boehner's energy aid who explained that the democrats control congress and that the main proponents for these issues are from communities who don't rely on coal to supply electricity. Mr. Lovett will continue to monitor developments and will work to keep any increases as low as possible.

Amend Agenda

President Hale made a motion to amend the agenda to include an Executive Session following the meeting to discuss a personnel matter to include Council, the Mr. Crusey and Mr. Vath. Motion was seconded by Mrs. Blakey and unanimously approved.

Mr. Kessler made a motion to approve the amended agenda, seconded by President Hale. The motion carried with a 6-0 vote.

**Adjourn to Executive
Session**

President Hale made a motion to adjourn to Executive Session after the meeting to include Mr. Crusey and Mr. Vath to discuss a personnel matter. Motion was seconded by Mr. Beagle and unanimously approved.

City Manager Comments

Mr. Crusey reported that income tax collection for February was down 3.5%, but was up for the year nearly 5.4%. Mr. Crusey also reminded citizens to participate in the web based community survey by visiting www.tippcityohio.gov. Copies of the survey are also available at the Government Center or the Library.

Adjournment

Council adjourned the Executive Session at 8:45 p.m. with a motion made by President Hale, seconded by Mr. Hill.

Patrick A. Hale, President of Council

Attest: _____
Cathy Ross, Clerk of Council